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6	Attorneys for the United States of America		
7	UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
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9	UNITED STATES OF AMERICA,	Case No. 2:20-mj-00859-EJY	
0	Plaintiff,		
1	v.	Stipulation to Continue the Preliminary Examination Date and Exclude Time Under	
12	YARO ORTIZ,	the Speedy Trial Act (Second Request)	
	Defendant.	(200020 2004000)	
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14	IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A.		
16	Trutanich, United States Attorney, District of Nevada, Christopher Lin, Assistant United States		
17	Attorney, representing the United States of America, and David Chesnoff, Esq. and Richard		
8	Schonfeld, Esq., representing Defendant Yaro Ortiz, that the Preliminary Examination date in		
9	the above captioned case, which is currently scheduled for November 19, 2020 at 4:00 P.M., be		
20	continued to a date and time convenient for the Court but not less than 30 days from the curren		
21	setting. The parties also stipulate to an extension of (1) the 30-day period under 18 U.S.C. §		
22	3161(b) in which an indictment or information must be returned, and (2) the 90-day period		
23	under 18 U.S.C. § 3164(b) for commencing trial for a detained defendant. These extensions are		
24	in addition to the previously agreed upon extensions in <i>Dkt</i> 8.		

1 1. Based on the public health emergency brought about by the COVID-2019 pandemic, the 2 required social-distancing measures as recognized in the Temporary General Orders, and 3 the need for additional time to prepare the defense, both during the public health 4 emergency and once the public health emergency is resolved, the parties agree to 5 continue the currently scheduled Preliminary Examination on November 19, 2020, to a 6 date and time convenient for the Court, but not less than 30 days from the current 7 settings. 8 2. This continuance is not sought for purposes of delay, but to account for the necessary 9 social-distancing in light of the COVID-2019 public health emergency, and to allow the 10 defense adequate time to prepare during the public health emergency and following its 11 resolution. Denial of this request could result in a miscarriage of justice, and the ends of justice 12 3. 13 served by granting this request outweigh the best interests of the public and the defendant 14 in a speedy trial. The defendant is at liberty and does not object to the continuance. 15 4. 16 5. This is the parties' second request to continue the Preliminary Examination date. 17 /// 18

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The additional time requested by this stipulation is excludable in computing the time 6. 1 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United 2 States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United 3 4 States Code, Section 3161(h)(7)(B)(i) and (iv). DATED this 12th day of November, 2020. 5 6 7 NICHOLAS A. TRUTANICH United States Attorney 8 /s/ Christopher Lin /s/ Richard Schonfeld CHRSTIOPHER LIN RICHARD SCHONFELD, ESQ. 9 Assistant United States Attorney DAVID CHESNOFF, ESQ. Counsel for Defendant 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

United States of America,) Case No. 2:20-mj-00859-VCF
Plaintiff,) Findings and Order on Stipulation
V.)
YARO ORTIZ,)
Defendant.)

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

- 1. To account for the necessary social-distancing in light of the COVID-2019 public health emergency and to allow the defense adequate time to prepare during and following the resolution of this public health emergency, the Preliminary Examination date in this case should be continued.
- 2. The parties agree to this continuance.
- 15 | 3. The defendant is at liberty and does not object to the continuance.
 - 4. This continuance is not sought for purposes of delay.
 - 5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.
 - 6. The Speedy Trial Act's indictment clock under 18 U.S.C. § 3161(b) is extended to the Preliminary Hearing date set below.
 - 7. The additional time requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United

States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv). THEREFORE, IT IS HEREBY ORDERED that the Preliminary Examination in the above-captioned matter currently scheduled for November 19, 2020 be vacated and continued to December 21, 2020, at the hour of 4:00 P.M., in Courtroom 3B. DATED this 13th day of November, 2020. United States Magistrate Judge